

Application No. 10/827,491
Amendment dated February 22, 2006
Reply to Office Action dated September 22, 2005

Docket No.: 4444-0143PUS1

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Fig. 3 to which has been added the image module 55 and the image-sensing module 56.

Attachment: Replacement sheet

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-27 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejection in view of the amendments and remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 4 and 21 as being allowable if rewritten in independent form. Applicants have not yet rewritten these claims in independent form since they believe that the claims from which they depend are also allowable.

Drawings

The Examiner objected to the drawings as not showing the image module and image-sensing module. By way of the present amendment, Applicants are submitting a replacement Fig. 3 which shows these two items. The application has also been amended on page 9 to describe these two devices.

Rejection Under 35 USC 102

Claims 1-3 and 15-18 stand rejected under 35 USC 102 as being anticipated Stevens et al. (U.S. Patent 5,900,131). This rejection is respectfully traversed.

The Examiner states that Stevens et al. shows an optical measuring apparatus including a light source 106 and a guiding module 202 for providing a spontaneous emission light and transferring the spontaneous emission light to a linear incident light and the linear incident light is passed through a detection area. The receiving module for receiving and processing the linear incident light passes through the detection area.

The Stevens et al. device shows a method and apparatus for automated electrophoresis using a light polarization detector. Light from a radiation source passes through a spherical lens 202, a cylindrical lens 206 and a polarization filter 207 before entering the detection zone. A second polarization 208 receives the exiting light which is then detected by detectors 209. It is noted that the guiding modules transfers the spontaneous emission light to a linear incident light by way of refraction, not by way of reflection.

Applicants have amended claims 1 and 16 to make it clear that the light guiding apparatus reflects the spontaneous emission light. This differs from Stevens et al. where the light is refracted by lenses rather than being placed in a geometric-type light guiding apparatus where the light is guided due to the reflection from the exterior surface. Applicants submit that Stevens et al. does not show this type of reflection as presently claimed. For these reasons, Applicants submit that claims 1 and 16 are not anticipated by Stevens et al..

Regarding claims 15 and 17, the Examiner states that the platform of Stevens et al. transports a test sample to move in a one-dimensional direction. Applicants submit that this is not the case in this reference. Instead, Stevens et al. only discloses that the samples migrate through a separation matrix by applying an electric field so that the platform is used to support the matrix with the samples but is not moved in a one-dimension direction. Thus, the rejection of claims 15-17 is incorrect.

Claims 2-15 and 17-27 depend from allowable claims 1 and 16 and as such are also considered to be allowable. In addition, each of these claims recites other features that make them additionally allowable.

Rejection Under 35 USC 103

Claims 5-9, 14, 20, 22 and 27 stand rejected under 35 USC 103 as being obvious over Stevens et al. in view of Official Notice. Claims 6, 7, 23 and 24 stand rejected under 35 USC 103 as being obvious over Stevens et al. Claims 8, 10, 11, 13, 19, 25 and 26 stand rejected under 35 USC 103 as being obvious over Stevens et al. in view of Prober et al. (U.S. Patent 5,306,618). Claim 12 stands rejected under 35 USC 103 as being obvious over Stevens et al. in view of Prober et al. and further in view of Simpson et al. (U.S. Patent 6,017,434). These rejections are respectfully traversed.

The Examiner states that the use of the various materials in a light guiding apparatus is well known and takes official notice of that fact. However, even if this is correct, Applicants submit that these claims remain allowable based on their dependency from allowable independent claims.

The Examiner states that it would have been obvious to provide a plurality of reflection elements as the exterior light guiding apparatus. The Examiner refers to Col. 7, lines 13-16 to show the use of mirrors. Applicants submit that these claims are allowable, first because of their dependency from allowable independent claims. Secondly, it is noted that the cited section of Stevens et al. regarding the mirrors relates to mirrors used for polarization and not used as the exterior of light guiding apparatus. Accordingly, Applicants submit that these claims are also allowable.

The Examiner relies on Prober et al. to teach the use of an image module for the purpose of directing excitation or incident light toward the sample and a light monitor and to direct light leaving the sample toward the detector. Applicants submit that even if this reference does teach this feature, these claims remain allowable based on their dependency from allowable independent claims.

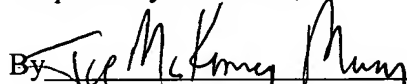
The Examiner relies on Simpson et al. to teach the use of a projection/collection lens for the purpose of projecting an image onto the sample/detector. Applicants submit that even if this reference does teach this feature, these claims remain allowable based on their dependency from allowable independent claims.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this reconsideration of the rejection and allowance of all of the claims are respectfully requested.


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Respectfully submitted,

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Attachment: Replacement Fig. 3